

MEMO ENDORSED

March 13, 2008

Hon. Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street, Room 1310
New York, NY 10007

MAR 18 2008

Re: United States v. Harding
03 cr. 316 (LAK)

Dear Judge Kaplan:

I respectfully submit this request to the Court seeking an immediate order to enjoin the Government and the New York Center for Neuropsychology and Forensic Behavioral Science ("NY Forensics") from forcing me to submit to a polygraph examination, during my sex offender treatment, pending my filing of a U.S.C. 2241 motion in this District.

I am currently serving a 63 month sentence for embezzlement and possession of child pornography. On December 18, 2007 I was released to the Bronx Re-entry Center Half-way House where I am serving my last 10 weeks on pre-release status. The Bureau of Prisons has mandated that I receive sex offender treatment while in the half-way house, given by NY Forensics.

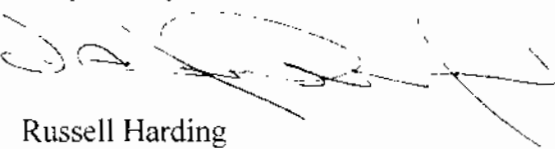
On February 25, 2008 I was presented with a 'contract' from NY Forensics which covered the rules and conditions I must abide by while in their treatment program. I was told by Dr. Mary Tramontin that I must sign the document in order to be in compliance. My request to have a copy of the document, before signing it, to show to a lawyer or even to attach to this letter to the Court, was denied. This document could not leave the room, for reasons I cannot grasp. This 'contract', amended within the last few weeks to include the polygraph testing, contained language that, had I signed it, would have obligated me to consent to being polygraphed.

On March 12, 2008, I was further told by Dr. Tramontin that on March 11, 2008, the Bureau of Prisons told NY Forensics to relay to me that if I did not sign the 'contract' immediately I would be expelled from treatment and subject to all commensurate penalties, presumably including the possibility of being returned to prison and/or loss of good conduct time.

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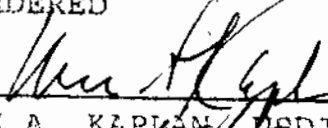
I therefore ask the Court to issue a temporary stay to allow me to file a U.S.C. 2241 motion where I will fully brief the reasons why I should not be coerced into submitting to a polygraph examination. Furthermore, I request that an attorney be assigned to represent me in support of this application, as I have no legal training, no access to a legal library while in the half-way house, and no funds to retain counsel.

Respectfully submitted,


Russell Harding
Pro Se
51961-054
2534 Creston Ave.
Bronx, NY 10468

cc: Deborah Landis

The CSA attorney on duty today
is appointed to represent applicant
in bringing a petition under 28 USC
2241 subject to applicant
submitting a sufficient financial
affidavit. The Pro Se Office
shall furnish the necessary form
to applicant forthwith. The
Court will hear counsel on the
stay application on 3/10/08 at 2:15 pm
10 am

SO ORDERED

LEWIS A. KAPLAN, USDCJ
3/18/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

James J. Ladd

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

- against -

James J. Ladd

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

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63 Ch 316 (Ladd)

AFFIRMATION OF SERVICE

I, James J. Ladd, declare under penalty of perjury that I have
(name)

served a copy of the attached Walter/John to George Thompson
(document you are serving)

upon James J. Ladd whose address is 253-1 Creston Ave
(name of person served)

1 St. Anthony's Hospital, New York, NY 10004
(where you served document)

by James J. Ladd
(how you served document: For example - personal delivery, mail, overnight express, etc.)

Dated: New York, NY
(town/city) (state)

March, 17, 2008
(month) (day) (year)

Signature

Address

City, State

Zip Code

Telephone Number